

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

BENJAMIN B. FISHER

17-10176-JDW

JOINDER IN RESPONSE TO DEBTOR'S MOTION TO REINSTATE CASE

COMES NOW Locke D. Barkley, Chapter 13 Trustee, by and through counsel, and files this joinder in the Response to Debtor's Motion to Reinstate Case (Dkt. #63) filed by Community Mortgage & Loan dba Beswa Finance, and in support states as follows:

1. The Trustee joins Community Mortgage & Loan dba Beswa Finance in opposition to the Debtor's Motion to Reinstate Case (Dkt. #56) (the "Motion").

2. The Debtor is not current on payments through March as alleged in paragraph 3 of the Motion. Through March the Debtor is delinquent \$3,508.00 in scheduled payments, which reflects credit for \$716.00 received from the Debtor, following dismissal, on April 6, 2018.

3. The case was dismissed with the entry of the Final Order of Dismissal (Dkt. #53) (the "Order") on March 2, 2018. The Order was presented to the Court and entered due to the Debtor's noncompliance with the Agreed Order Denying Motion to Dismiss (Dkt. #46) (the "Agreed Order") after he became 30 days delinquent in plan payments.

4. The Order provided that the “Debtor shall be ineligible to be a debtor in a bankruptcy for a period of 180 days following entry of this order.” This prohibition was based upon the agreement of the parties as set forth in the Agreed Order.

5. The Motion is an attempt by the Debtor to circumvent a prior agreement made with the Trustee which rendered him ineligible for bankruptcy following the dismissal of the bankruptcy case.

WHEREFORE, PREMISES CONSIDERED, Locke D. Barkley, Chapter 13 Trustee, prays that upon notice and hearing that this Court enter its order denying the Debtor’s motion and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: May 3, 2018

Respectfully submitted,
LOCKE D. BARKLEY, TRUSTEE

BY: /s/ W. Jeffrey Collier
W. JEFFREY COLLIER, ESQ.
Attorney for Trustee
6360 I-55 North, Suite 140
Jackson, Mississippi 39211
(601) 355-6661
ssmith@barkley13.com
MSB No. 10645

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: May 3, 2018

/s/ W. Jeffrey Collier
W. JEFFREY COLLIER